

30 SEP 2003



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In re Application of
IWAKAWA
Application No.: 09/936,363
PCT No.: PCT/JP00/00361
Int. Filing Date: 25 January 2000
Priority Date: None
Attorney Docket No.: Q65398
For: EARTHQUAKE-PROOFING REINFORCING
METAL FITTING

NOTIFICATION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. This notification is responsive to applicant's "Petition For Unspecified Reasons" filed in the United States Patent and Trademark Office (USPTO) on 17 June 2003 and treated as a petition under 37 CFR 1.182. The petition fee has been paid.

On 13 September 2001, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a check for the U.S. Basic National Fee; the English translation of PCT/JP00/00361; a preliminary amendment; and an executed Declaration identifying PCT/JP00/00361. However, the transmittal letter referenced attorney docket number Q65399 and improperly identified PCT/JP00/00362; the papers were assigned application number 09/936,363.

On 14 September 2001, applicants filed a second transmittal letter for entry into the national stage in the United States, which also identified PCT/JP00/00362 and attorney docket number (Q65399). The accompanying declaration, however, was directed to PCT/JP00/00362 and assigned application number 09/936,607.

On 04 January 2002, a Notice of Cancellation of Assigned Serial Number (Form PCT/DO/EO/908) was mailed to applicant indicating that application no. 09/936,363 was filed on 13 September 2001 and that application 09/936,607 was filed on 14 September 2001. The notice also indicated that 09/936,607 was canceled and fees associated with it were credited to applicant's deposit account.

On 30 October 2001, a Notification of Acceptance was mailed to applicant erroneously indicating that 09/936,363 was the national stage of PCT/JP00/00362.

On 28 June 2002, applicant requested a change in the attorney docket number for 09/936,363 to Q65398.

On 17 June 2003, applicants submitted a request, in effect, asking that the application filed on 14 September and identified as 09/936,607 be reinstated. Copies of the itemized postcard receipts for both applications with their respective USPTO receipt dates stamped upon them were provided.

DISCUSSION

Both Transmittal Letters filed 13 September 2001 and 14 September 2001 indicated that each submission is a "filing under 35 U.S.C. 371" of PCT/JP00/00362. Conflicting instructions appeared in the application papers in the submission of declarations executed to PCT/JP00/00361 and PCT/JP00/00362. Accordingly, each submission should have been treated as a separate national stage application submitted under 35 U.S.C. 371.

A review of the USPTO application file indicates that national stage papers bearing 09/936,363 are date-stamped 13 September 2001. The Notice of Acceptance in 09/936,363 mailed on 30 October 2001 incorrectly identified PCT/JP00/00362 and is hereby vacated. A new Notice of Acceptance will be issued indicating that 09/936,363 is the national stage of PCT/JP00/00361, having an attorney docket number of Q65398. The 35 U.S.C. 371 date remains 13 September 2001.

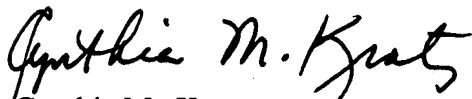
CONCLUSION

For the reasons set forth above, the submissions filed 13 September 2001 are identified as application number 09/936,363, the national stage of PCT/JP00/00361.

The Notice of Acceptance, mailed on 30 October 2001 in application no. 09/936,363, is **VACATED**.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for issuance of a new Notification of Acceptance in accord with this decision, indicating that 09/936,363 is the national stage of PCT/JP00/00361, having an attorney docket number of Q65398. The 35 U.S.C. 371 date remains **13 September 2001**.

Per applicant's communication dated 28 June 2002, the attorney docket number for this application will be **Q65398**.



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